

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

No. 5:10-CV-00272-BO

JOSEPH KAMAU CHRISTOPHER BEY,)

Plaintiff,)

v.)

ORDER

THE STATE OF NORTH CAROLINA,)

collectively and jointly, and THE)

GOVERNMENT OF THE STATE OF)

NORTH CAROLINA, collectively and)

jointly, by and through the CHIEF)

EXECUTIVE OF THE STATE OF)

NORTH CAROLINA, The Honorable)

BEVERLY EAVES PERDUE, in her)

official capacity as the GOVERNOR OF)

THE STATE OF NORTH CAROLINA,)

Defendants.)

This matter is before the Court on Defendants' Motion to Dismiss Plaintiff's Amended Complaint. The Motion is GRANTED.

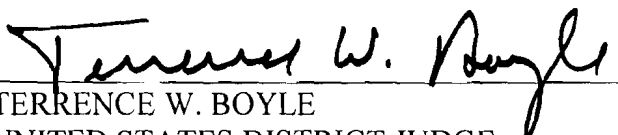
Facts

Plaintiff claims that he suffered respiratory illnesses and conditions as the result of mold and other conditions while he was a student and Resident Advisor at North Carolina State University. Plaintiff seeks review of the decisions of the North Carolina Industrial Commission's dismissal of his tort claim and denial of worker's compensation benefits. Plaintiff alleges that those proceedings violated his rights to due process, equal protection and a fair trial.

Discussion

Under the Rooker-Feldman Doctrine, United States District Courts do not have jurisdiction over challenges to state court decisions, even if those challenges allege that the state court's action was unconstitutional. District of Columbia Court of Appeals v. Feldman, 460 U.S. 462, 486 (1983). As decisions of the North Carolina Industrial Commission "qualify as judicial actions as opposed to administrative or ministerial processes," its decisions fall within the scope of the Rooker-Feldman doctrine. See Allstate Ins. Co. v. West Virginia State Bar, 233 F.3d 813, 817 (4th Cir. 2000) (citing Feldman, 460 U.S. at 477). Thus, this Court does not have the power to hear the Plaintiff's claims. Accordingly, the case is DISMISSED.

SO ORDERED, this 15th day of October, 2010.


TERRENCE W. BOYLE
UNITED STATES DISTRICT JUDGE